IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3716 OF 2004

Devendra Sitla Singh ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr. A.H.H. Ponda, for the Applicant.

Mr. K.V. Saste, A.P.P., for the Respondent.

...

CORAM : A.M.KHANWILKAR,J.

3rd December 2004

P.C.:

. Heard Counsel for the parties. Perused the record. Indeed, the Applicant has been named as accused in the offence which is a serious offence involving collection of huge amount of Rs.44 lakhs from poor persons by promising them to pay the loan at meagre rate of interest at 6 per cent. Even so, it is not in dispute that the Applicant was already in custody for over one year. The trial has not proceeded an inch. Even charges are not framed. The learned A.P.P. on

instructions states that there are more than 310 witnesses to be examined. If it is so, it is unlikely that the trial will be concluded in near future. Besides, it is seen that the Applicant has availed of interim bail and has complied with all the conditions from time to time. Taking overall view of the matter, the Applicant deserves to be enlarged on bail but by imposing strict conditions. The Applicant is personally present in Court having surrendered before this Court for the purpose of hearing of this application. He is willing to comply with the conditions that I propose to impose. He has agreed to report to the police station where he is presently residing on daily basis. This condition is essential as the investigating officer apprehends that the Applicant will abscond or jump the bail. In these peculiar circumstances, this application is allowed on the following terms.

(a) The Applicant is granted bail in connection with CR.No. 111/2003 registered with Navghar Police Station on furnishing personal bond in the sum of Rs. 1 lakh with two local sureties in

the like amount. It will be open to the Applicant to avail of cash bail for the limited period of one week to comply with the condition of executing personal bond and local sureties.

(b) The Applicant shall report to the Ambad Police Station in Nasik City daily between 5 p.m. to 6 p.m. except as and when the Applicant is required to appear before the trial Court or to report to the investigating officer in Mumbai.

(c) The Applicant shall report to the investigating officer on the first Saturday of every English calendar month between 10 a.m. to 1 p.m. during the pendency of the trial. On such dates, it will not be necessary for the Applicant to report to Ambad Police Station.

(d) The Applicant shall not influence the prosecution witnesses, nor shall tamper with the prosecution evidence in any manner whatsoever.

(e) The Applicant shall extend full co-operation to the trial Court for early disposal of the trial. If the trial Court is of the opinion that the Applicant is any way responsible for causing obstructions in the early disposal of the trial, that fact be recorded in the roznama which may be a ground for cancellation of bail.

. Application disposed of on the above terms.

. Parties to act on the authenticated copy of this order.

(A.M.KHANWILKAR,J.)